

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KACEY KIMBROUGH, Special Administrator
of the Estate of Shawn Thomas Kimbrough,

Plaintiff,

vs.

CHRISTOPHER JAMES GORHAM;
JENNINGS PLANT SERVICES, LLC;
SPENCER R. JENNINGS; TARIN K.
JENNINGS, and HOPE COOPERATIVE
CARE, INC.,

Defendants.

8:21CV35

**ORDER ON PLAINTIFF'S MOTION TO
DISMISS DEFENDANTS SPENCER AND
TARIN JENNINGS**

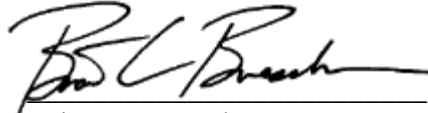
This case is before the Court on plaintiff Kimbrough's January 18, 2023, Motion to Dismiss Spencer and Tarin Jennings with Prejudice. [Filing 80](#). The Motion is pursuant to Rule 41(a)(2), which permits the Court to dismiss an action on a plaintiff's request under circumstances not addressed by Rule 41(a)(1), including in this instance the lack of a stipulation signed by all parties. *See* Fed. R. Civ. P. 41(a)(1) and (2). Rule 41(a)(2) provides that dismissal may be "on terms that the court considers proper," although such a dismissal is ordinarily without prejudice. Fed. R. Civ. P. 41(a)(2). Plaintiff Kimbrough expressly requests dismissal of these defendants with prejudice on the ground that she does not intend to pursue claims against them and intends to release such claims with prejudice. [Filing 80 at 1](#). Plaintiff Kimbrough states further that her Motion is unopposed. Under the circumstances, the Court finds that dismissal of these parties with prejudice and without waiting for a response is appropriate. Accordingly,

IT IS ORDERED that plaintiff Kimbrough's January 18, 2023, Motion to Dismiss Spencer and Tarin Jennings with Prejudice, [Filing 80](#), is granted, and defendants Spencer R. Jennings and

Tarin K. Jennings are dismissed with prejudice. This case shall continue against defendants Christopher James Gorham, Jennings Plant Services, LLC, and Hope Cooperative Care, Inc.¹

Dated this 24th day of January, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. C. Buescher', written over a horizontal line.

Brian C. Buescher
United States District Judge

¹ Hope Cooperative Care, Inc., is inexplicably absent from the caption of Kimbrough's Motion and her proposed order on that Motion, but the docket indicates that Hope Cooperative Care, Inc., remains a defendant in this action.